

ENDORSEMENT

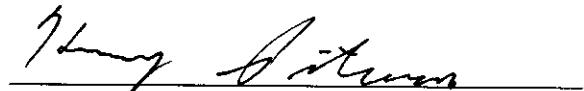
Altadonna, et al. v. Broome Mercer Corp., et al.  
07 Civ. 6668 (LAP) (HBP)

Defendants' application to extend discovery is granted in part. All discovery in this matter shall be completed no later than July 31, 2008. No later than June 18, 2008, defendants are to provide plaintiffs' counsel with three alternative dates before July 31, 2008 for the depositions of each of the individual defendants. Plaintiffs' counsel shall, within five business days, accept one date for each of the individual defendants. The Joint Consolidated Pretrial Order in the form required by Judge Preska's rules is to be filed no later than August 15, 2008.

This is the third extension of the discovery deadline. Counsel are advised that there will be no further extensions of the deadlines in this matter except for unforeseeable emergencies. Neither the press of other business nor vacation plans constitute unforeseeable emergencies.

Dated: New York, New York  
June 10, 2008

SO ORDERED

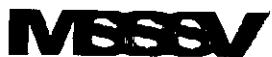
  
HENRY PITMAN  
United States Magistrate Judge

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June 4, 2008

**VIA FACSIMILE**  
**(212) 805-6111**

Honorable Henry Pittman  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street, Room 1340  
 New York, NY 10007

Re: *Altadonna, et al. v. Broome Mercer Corp., et al.*  
 Docket No.: 07 Civ. 6668 (LAP) (HP)  
 Our File No.: 07-440

Dear Judge Pittman:

We represent the defendants in the above-referenced matter.

We write to request a 60 day extension of the June 15, 2008 deadline for the completion of discovery. Although the parties have been diligently working towards the completion of discovery, the volume of discovery in this case, along with scheduling conflicts, necessitate this application.

We have now completed five days of depositions for the three plaintiffs, as well as two non-party depositions. Plaintiffs have served deposition notices to conduct the depositions of Luke Desitin and Shirima Roberts, two employees of the defendant corporation. These depositions are scheduled to take place on June 10 and June 11.

The defendants have served subpoenas for the non-party depositions of two former employees of the defendant corporation, Vincent Martinelli and Charles Truitt. We note that

**MIRANDA SOKOLOFF SAMBURSKY SLOWNE VERVENIOTIS LLP****HONORABLE HENRY PITTMAN**

JUNE 4, 2008

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plaintiff has provided Affidavits from these two individuals as to the events alleged in the Complaint. After speaking with Martinelli and Truitt, it appears that the best dates for their respective depositions given their work schedules are June 18 and June 19. Defendants anticipate requiring at least 2 and possibly 4 additional non-party depositions. Of course, it is our hope that the upcoming depositions will pare this number down.

Plaintiffs must still depose the individual defendants, Lynn and Gil Cohen. We do not contest plaintiffs' right to depose these witnesses and have sought to schedule these depositions for late May/early June. I have been the primary attorney handling discovery in this matter and will be defending these depositions. Unfortunately, the attorneys' recent scheduling conflicts have prevented the scheduling of these depositions.

Presently, I am scheduled to begin a trial on June 23, 2008 in the case of *Soria v. Ostroff*, Index No.: 03-2006, in the Queens County Supreme Court. As the trial has been adjourned on two prior occasions, I fully anticipate the trial will proceed as scheduled. In addition to preparing for trial and appearing for the aforementioned depositions, I have several other court appearances between now and the present discovery deadline in which I have been the sole attorney handling them from inception.

There are some remaining document discovery issues remaining in this litigation. Toward this end, we will be serving a demand for additional documents requested at the depositions of plaintiffs Gasparova and Otto. We are awaiting the transcripts of the second day of their depositions and anticipate receiving the transcripts shortly. In addition, we have recently served an authorization to obtain the unemployment records of plaintiff Gasparova and await receipt of the signed authorization as per New York State Department of Labor requirements. We are also awaiting responses to several non-party subpoenas seeking documents as to plaintiffs' subsequent employment.

Finally, we note that there is a Court-Ordered mediation scheduled for June 16, 2008. We do not believe that the mediation is likely to be fruitful until the completion of depositions. It is our understanding that the mediator cannot adjourn the mediation without the directive of the Court, as the next available date is sometime in August. We note that this would coincide with the defendants' anticipated timetable for the completion of all discovery.

Accordingly, we respectfully submit that the requested extension will allow for sufficient time to complete the outstanding discovery and participate in mediation and do not anticipate requiring any further extensions from the Court.

This is the defendants' first application for an extension. Plaintiffs previously submitted two such applications, one involving the amendment of the complaint, which were granted by the

**MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP****HONORABLE HENRY PITTMAN****JUNE 4, 2008****PAGE 3 OF 3**

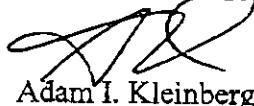
Honorable Loretta A. Preska. Also in accordance with Your Honor's Individual Practices, we submit August 29, 2008 as the deadline to initiate the filing of any dispositive motions.

We have advised plaintiffs' counsel of our intention to submit this application and he is not opposed to a 30 day extension with the agreement on dates certain for the depositions of the Cohens. I can only provide tentative dates, as there is the inherent scheduling uncertainty accompanying the aforementioned state court trial.

Thank you for your consideration of this matter.

Respectfully submitted,

**MIRANDA SOKOLOFF SAMBURSKY  
SLONE VERVENIOTIS LLP**

  
Adam I. Kleinberg

cc: Robert Ottinger, Esq. (via fax)